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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09 812,181

03 19 2001

Dadong Wan

5222.00126

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22908

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12 04 2002

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EXAMINER

KIM, AHSHIK

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 12 04 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/812,181

Applicant(s)

WAN ET AL.

Examiner

Ahshik Kim

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 10/03/02 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 7-11 and 14 is/are allowed.
- 6) ☐ Claim(s) 1-6, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in  
5 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is  
eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)  
has been timely paid, the finality of the previous Office action has been withdrawn pursuant to  
37 CFR 1.114. Applicant's submission filed on October 3, 2002 has been entered.

### *Amendment*

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2. Amendment filed July 9, 2002 is entered (paper #9). Claims 1, 7, 11, 12, and 14 are  
amended, and claims 1-14 remain for examination.

### *Claim Rejections - 35 USC § 102*

15 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

20 (1) an application for patent, published under section 122(b), by another filed in the  
United States before the invention by the applicant for patent, except that an international  
application filed under the treaty defined in section 351(a) shall have the effect under this  
subsection of a national application published under section 122(b) only if the  
international application designating the United States was published under Article  
21(2)(a) of such treaty in the English language; or

25 (2) a patent granted on an application for patent by another filed in the United States  
before the invention by the applicant for patent, except that a patent shall not be deemed

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filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

- 5     3.     Claims 1-6, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki (US 6,313,745).

Re claims 1 and 12, Suzuki teaches a method of obtaining information about a product, comprising that a customer observes the product being tried for its intended purpose, a product tag 10 can be read during the use and transmitting the product information (col. 2, lines 25+; col. 10 3, lines 48+). Although Suzuki does not explicitly use the term "embedded" when describing the tag10, it is well known in the art that radio frequency tag (used for surveillance or other purposes) often is installed on the product such that removing the tag would almost always damage the product, if not removed by the authorized persons.

Re claims 2, 5, and 13, the product tag 10 is a radio frequency tag, which transmit signal 15 via RF circuitry (col. 4, lines 23+).

Re claim 3, the system also allows the customer to purchase/order the product, which is kept in the system (col. 8, lines 36+).

Re claims 4 and 6, the in-store terminal includes mobile terminal or POS devices suited for wireless communication (col. 3, lines 58-62).

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***Allowable Subject Matter***

4.     Claims 7-11 and 14 are allowed.

5.     The following is a statement of reasons for the indication of allowable subject matter: the claims are directed at a system and the method for receiving product information from RFID tag

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applied on a product. The claims also disclose a particular referral method wherein the first customer use the product for an intended purpose of the product, and the second customer request product information, and the first customer is rewarded in return. Previously cited reference to Tracy (US 6,199,753) suggests RFID tags, which are widely used in retail environment. Reference to Bezos et al. (US 6,029,141) teaches of referral reward/bonus in Internet embodiment. However, the cited references, taken alone or in combination, fail to show or fairly teach the specific method of referral wherein the referral occurs when the product is actually used for its intended purposes as set forth in the claims mentioned above.

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### Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Ronning (US 5,883,995); Cragun et al. (US 5,971,277); Carrott (US 6,334,111) disclose use of RFID tags and various referral systems.

15 II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (703)305-5203. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

20 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax number directly to the Examiner is (703) 746-4782. The fax phone number for this Group is (703)308-7722, (703)308-7724, or (703)308-7382.

25 Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

30 *All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

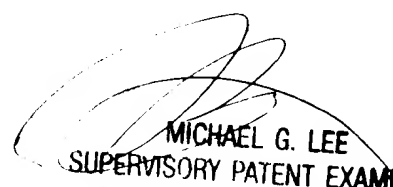
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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Ahshik Kim  
Patent Examiner  
Art Unit 2876  
November 21, 2002

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MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800